

BOISE, FRIDAY, JANUARY 20, 2023 at 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**TERRI RICHARDSON MATTSON and)
RANDY MATTSON, Husband and Wife,)**

Plaintiffs-Appellants,)

v.)

**IDAHO DEPARTMENT OF HEALTH AND)
WELFARE and LAURIE GALLEGOS,)
PA-C;)**

Docket No. 49187

Defendants-Respondents,)

and)

DOES 1 through 20, inclusive,)

Defendants.)

Appeal from the District Court of the First Judicial District of the State of Idaho,
Shoshone County. Scott L. Wayman, District Judge.

Layman Law Firm, PLLP, Spokane, Washington and Vickery & Shepherd, LLP,
Houston, Texas, for Appellants.

Lake City Law Group, PLLC, Coeur d'Alene, for Respondents.

This appeal involves a medical malpractice case and the applicability of an immunity provision in the Idaho Tort Claims Act (I.C. §§ 6-901 to -929). In 2018, Terri Richardson Mattson received out-patient mental health services from Laurie Gallegos, P.A., through the Idaho Department of Health and Welfare ("Defendants"). As a part of those services, Mattson received a prescription for an antidepressant medication: Prozac (fluoxetine). Roughly one month later, after drinking a fifth of vodka, Mattson attempted suicide by firing a semi-automatic firearm under her head. Mattson survived, but suffered various injuries, including the loss of an eye. Subsequently, Mattson and her husband filed a medical malpractice suit against Defendants.

When Defendants later moved for summary judgment, the district court initially determined that there were disputed issues of material fact over whether Defendants were

negligent in treating Mattson, and whether Defendants made certain disclosures to Mattson so that she could provide informed consent to treatment. Nevertheless, the district court granted summary judgment to Defendants based on two grounds: (1) Defendants were immune from liability in negligence through the Idaho Tort Claims Act under Idaho Code section 6-904A(2) because Mattson's claims arose out of injuries while she was "receiving services from a mental health center, hospital, or similar facility"; and (2) no reasonable person could conclude that Defendants' actions were "reckless, willful and wanton" such that the immunity provision in section 6-904A(2) would not apply. Mattson and her husband timely appeal the district court's grant of summary judgment on both grounds.